

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 1999-330-C - ORDER NO. 2000-0294
MARCH 27, 2000

IN RE: AT&T Communications of the Southern)	ORDER
States, Inc.,)	DENYING
)	PETITION
Complainant,)	
)	
vs.)	
)	
BellSouth Telecommunications, Inc.,)	
)	
Respondent.)	

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Petition for Clarification and Reconsideration of Commission Order No. 2000-0048 filed by AT&T Communications of the Southern States, Inc. (AT&T).

AT&T complains about certain language that would indicate that an AT&T complaint filed subject to S.C. Code Ann. Section 58-9-576 (Supp. 1999) could only be filed after guidelines as called for by the statute were established. The Petition must be denied on several grounds.

First, it appears to us that no clarification is needed. On page 3 of Order No. 2000-0048, we said the following:

Procedurally, it would not be legal or proper to consider AT&T's Complaint prior to establishment of the guidelines called for in S.C. Code Ann. Section 58-9-576 (Supp. 1998). AT&T may refile its Complaint after we establish said guidelines.

We cannot envision a manner in which we could make our intent any clearer. S.C. Code Section 58-9-576 (B)(5) states in part: ...“all such rates are subject to a complaint process

for abuse of market position in accordance with guidelines to be adopted by the commission.” This language leaves little doubt that guidelines must be established prior to entertaining any complaints under the statute.

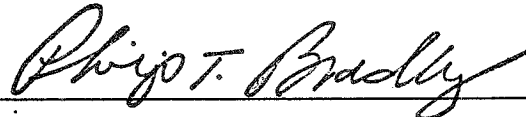
Second, if the Petition is to be considered a Petition for Reconsideration, such a Petition is improper at this time, since AT&T is requesting reconsideration of an Order Granting Reconsideration, etc., issued subject to another request for reconsideration of an earlier Order by AT&T. We do not believe that AT&T is entitled to “two bites at the apple” in this matter. If we were to consider the newest request made by AT&T as a Petition for Reconsideration, we would be condoning a policy of allowing multiple Petitions for Reconsideration in the same docket on related subject matter. This is improper. The present Petition for Reconsideration is therefore an improper Petition, and must be rejected. Even if we were to consider the document submitted by AT&T as a Petition for Reconsideration, however, in any event, our reasoning would be the same as that stated on clarification, as described in the preceding paragraphs, and we would deny said Petition.

MARCH 27, 2000

PAGE 3

The Petition is therefore denied. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)